

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Joint Petition for Waiver of the Requirement  
for Local Exchange Carriers To Verify Inbound  
Requests of Customers Who Want To Change  
to an Affiliated Interexchange Carrier

CC Docket No. 94-129

**COMMENTS OF VERIZON**

The local exchange carriers that have asked the Commission to waive its verification rules for them in certain instances have presented no special circumstances warranting any deviation from the general rule applicable to all LECs. If the Commission is inclined to relax its rules for these petitioners, then it should modify them or forbear from enforcing them as to all LECs.

The current slamming rules are the product of Commission consideration and proceedings that go back almost 20 years, to the beginning of long distance competition.<sup>1</sup> During that time, the Commission has revised and fine-tuned its regulations as market conditions have changed. The rules are working, as evidenced by the fact that consumer slamming complaints to the Commission in the two most recent quarters are at historic low levels and are continuing to decline.<sup>2</sup>

Verification requirements are central to the Commission's slamming-prevention rules. Congress made verification procedures the minimum consumer protection in section 258 of the

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<sup>1</sup> *Investigation of Access and Divestiture Related Tariffs*, 101 FCC 2d 911, ¶¶ 9-11 (1985).

<sup>2</sup> *See* Federal Communications Commission Reports on Informal Consumer Inquiries and Complaints.

Act, and verification has been part of the Commission's rules for more than a decade.<sup>3</sup> The purpose of requiring verification when a LEC takes a carrier-change order for an affiliated long distance company is the same as when a long distance company takes the change order itself. In both cases, the long distance carrier or its LEC affiliate sales agent is verifying that the customer authorized the carrier change before submission of the change for execution.

Petitioners want to be relieved of the verification requirements that apply to all other carriers because the requirements impose "unwarranted costs" on them.<sup>4</sup> They say this relief is appropriate because verification is costly and because they don't slam customers. Verification is costly for all carriers, of course, including Verizon,<sup>5</sup> and that fact is not grounds for treating petitioners any differently from anyone else. And the Commission's verification requirements were not imposed on individual carriers that had been found to be slammers as punishment for their infractions — they are rules of general applicability for all carriers, whether or not they have a history of slamming. If a good record is grounds for special treatment for these petitioners, it should also be grounds for relief for other carriers which have not been found to be habitual offenders.

A waiver of a Commission rule is appropriate where there are special facts or circumstances peculiar to the petitioner that make the petitioner different from others to which the rule applies. These petitioners have shown no such special facts or circumstances here, nothing that makes them different from LECs generally. If anything, their petition may make out a case

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<sup>3</sup> *Policies and Rules Concerning Changing Long Distance Carriers*, 7 FCC Rcd 1038 (1992).

<sup>4</sup> Petition at 2.

<sup>5</sup> The Verizon companies participating in this filing are the local exchange and long distance carriers affiliated with Verizon Communications Inc. listed in Attachment A ("Verizon").

for forbearance under section 10 of the Act — that this rule is not necessary to ensure that carrier practices are reasonable or for the protection of consumers. If that is the case, then it would appear that forbearance would be appropriate for LECs generally, not just for these petitioners, and the Commission should forbear from this aspect of its verification rules for all LECs.

Respectfully submitted,

  
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THE VERIZON TELEPHONE COMPANIES

The Verizon local exchange carriers affiliated with Verizon Communications Inc. participating in this filing are:

Contel of the South, Inc. d/b/a Verizon Mid-States  
GTE Midwest Incorporated d/b/a Verizon Midwest  
GTE Southwest Incorporated d/b/a Verizon Southwest  
The Micronesian Telecommunications Corporation  
Verizon California Inc.  
Verizon Delaware Inc.  
Verizon Florida Inc.  
Verizon Hawaii Inc.  
Verizon Maryland Inc.  
Verizon New England Inc.  
Verizon New Jersey Inc.  
Verizon New York Inc.  
Verizon North Inc.  
Verizon Northwest Inc.  
Verizon Pennsylvania Inc.  
Verizon South Inc.  
Verizon Virginia Inc.  
Verizon Washington, DC Inc.  
Verizon West Coast Inc.  
Verizon West Virginia Inc.

The Verizon long distance companies participating in this filing are:

Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance  
NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions  
Verizon Select Services Inc.  
Verizon Global Networks Inc.